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February 23, 2005

FILED

FEB 23 2005

**JUSTICE R. SHANNON
CLERK, SUPREME COURT**

Ms. Cynthia L. Turley
Deputy Clerk
Missouri Supreme Court
P. O. Box 150
Jefferson City, Missouri 65102

In re: Rodney Glass, et al. v. First National Bank of St. Louis, N.A.
Missouri Supreme Court No. SC86408

Dear Ms. Turley:

This will acknowledge receipt of your letter of February 16, 2005, at which time counsel for the appellant and counsel for the respondents were granted leave to file letter briefs addressing any issues raised in the Amicus Brief. On behalf of the appellant, please allow the following to serve as the letter brief on behalf of First National Bank of St. Louis, N.A.

After all the briefs were filed on behalf of the respective parties, but before this case was actually transferred to the Missouri Supreme Court, this Court handed down its Opinion in Brown v. First Horizon Home Loan Corp., 150 S.W.3d 287 (Mo. banc 2004). In Brown, this Court reaffirmed the principles set forth in Garr v. Countrywide Home Loans, Inc., 137 S.W.3d 457 (Mo. banc 2004). Consistent with the holdings in both Garr and Brown, any purported demand letter pursuant to § 443.130, "should closely track the language of the statute to place the mortgagee on notice that the statutory demand is being made." Brown, 150 S.W.3d at 287. As was the case in Garr, the debtor in Brown neither referenced § 443.130 nor the 15 business days in the demand letter to the financial institution so the mortgagee was not placed on proper notice that a statutory demand was being made. As First National Bank demonstrated in its discussion of Garr and now with the recent holding of Brown reaffirming the principles of Garr, it is clear that the letter that plaintiffs sent in the instant case failed to meet the requirements of § 443.130.

Ms. Cynthia L. Turley

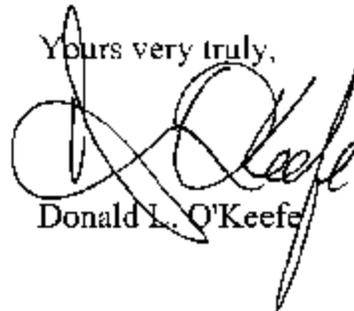
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Therefore, the summary judgment rendered in favor of respondent should be reversed based on strict construction of § 443.130.

Yours very truly,

A handwritten signature in black ink, appearing to read "Donald L. O'Keefe". The signature is written in a cursive, somewhat stylized font with a long, sweeping tail that extends downwards and to the right.

Donald L. O'Keefe

DOK:kl

cc: Ms. Jennie I. Bartlett
Mr. Wade L. Nash
Mr. Jay A. Summerville/Mr. Jeffery T. McPherson